IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.79 OF 2005

Harish Bansal ..Petitioner

Vs.

HDFC Bank Ltd. and Ors. ..Respondents

...

Mr.T.N.Tripathi for Petitioner
Mr.prashant Chande i/b M/s. Pardiwala and Co. for Respondent no.1
Mr.Y.S.Shinde A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 12,2005

P.C.

1. Heard the learned advocate for the Petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process in Complaint No. 934/S/2003 pending before the M.M. 33rd Court, Ballard Pier, Mumbai. In the said case, process has been issued under Section

138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks. The learned advocate for the respondent-complainant fairly states that no objection will be raised in respect of delay in filing revision.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]